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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1960.

No. 291

PAUL GINSBURG,

Petitioner,

vs.

AMERICAN BAR ASSOCIATION, AN UNINCORPORATED ASSOCIATION, JOSEPH D. STECHER, GEORGE B. CHRISTENSEN, THOMAS A. REYNOLDS, JAMES D. HEAD AND WINSTON, STRAWN, SMITH & PATTERSON, A PARTNERSHIP,

Respondents.

ANSWER OF GEORGE B. CHRISTENSEN, THOMAS A. REYNOLDS, JAMES D. HEAD AND WINSTON, STRAWN, SMITH & PATTERSON, A PARTNERSHIP, TO PETITION FOR CERTIORARI AND APPENDIX.

GEORGE B. CHRISTENSEN,
Pro se and as Attorney for Other Respondents,

THOMAS A. REYNOLDS,
Pro se and as Attorney for Other Respondents,

R. LAWRENCE STORMS,
Attorney for Respondents,

WINSTON, STRAWN, SMITH & PATTERSON,
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Chicago, Illinois,
Of Counsel.

THE BLAKELY-BARREN PRINTING COMPANY, CHICAGO

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To the Honorable the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States:

Respondents suggest that the petition shows no proper ground for issuance of a writ of certiorari.

As to the merits: the asserted cause of action supposedly was a charge of conspiracy against the American Bar Asso-

ciation, its Secretary, and these respondents; however, the complaint, in either its original or supposedly amended form, contains no such allegation of fact or of an overt act by which one can tell what the asserted conspiracy was and what allegedly was done thereunder. It plainly is insufficient under either Illinois law (*Aaron* v. *Dausch*, 313 Ill. App. 524, 533, 40 N. E. 2d 805; *Doose* v. *Doose*, 300 Ill. 134, 139, 133 N. E. 49), or general federal law (*National Gas Appliance Corporation* v. *A. B. Electrolux*, 7 Cir., 270 F. 2d 472, 476).

As to asserted procedural points: petitioner is a Pittsburgh lawyer who has undertaken to proceed *pro se* in the District Court for the Northern District of Illinois. Service of notices of motions and pleadings by his opponents perforce have been by mail to him at Pittsburgh and all in accordance with rules of procedure. The "information" conveyed to this Court by the petition to the effect that when the District Court entered the sundry orders appealed from it had before it only motions and briefs filed on behalf of defendants, is incorrect, for, in fact, Mr. Ginsburg filed papers in opposition to the motions and diligently plied Judge LaBuy with letters and telegrams asserting his position. As is evident from the tenor of the petition (and from the records of this Court referred to in the annexed appendix), petitioner is not reticent in expressing his views.

With respect to the protective order under Rule 30 forbidding petitioner from conducting discovery without further order of court: such order was entered on a sworn petition the averments of fact of which have never been contradicted. Petitioner failed to include this petition in his appendix in the Court of Appeals and it seems not to be in the record certified to this Court. Accordingly, it is reprinted as an appendix to this Answer. It discloses the numerous proceedings, all without merit, by which peti-

tioner has harassed respondents and other lawyers (and Federal Judges) in the federal courts in Chicago and in this Court over a period of years and amply shows why the District Court did not abuse its discretion in keeping control of discovery.

As to service of summons and amended complaint upon the partnership respondent: the amended complaint was stricken and the action dismissed two days before the purported service was made. There was therefore no case pending and the Marshal was without authority to make service; the purported service was necessarily a nullity.

Although none of petitioner's points are valid, even if they possessed a semblance of merit they are not of the type that warrants certiorari.

Respectfully submitted,

GEORGE B. CHRISTENSEN,
Pro se and as Attorney for Other Respondents,

THOMAS A. REYNOLDS,
Pro se and as Attorney for Other Respondents,

R. LAWRENCE STORMS,
Attorney for Respondents.

WINSTON, STRAWN, SMITH & PATTERSON,
38 South Dearborn Street,
Chicago, Illinois,
Of Counsel.

APPENDIX.

IN THE UNITED STATES DISTRICT COURT
For the Northern District of Illinois,
Eastern Division.

PAUL GINSBURG, *Plaintiff,* vs. AMERICAN BAR ASSOCIATION, etc., et al., *Defendants.*	Civil Action No. 59 C 696.

MOTION FOR PROTECTIVE ORDER UNDER RULE 30.

Now comes George B. Christensen, one of the defendants herein, *pro se,* and moves that an order be entered herein that the plaintiff not be permitted to take any depositions herein until further order of the Court, and in support of this motion shows:

1. Plaintiff herein, Paul Ginsburg, is a Pittsburgh lawyer who since 1950 has been bringing lawsuits of one kind or another against partners in the Chicago law firm of Winston, Strawn, Smith & Patterson, and predecessor partnerships, and who has also brought actions against Judges of this Court accusing them of improprieties in deciding plaintiff's cases against him and in favor of the Winston, Strawn, Smith & Patterson defendants. The in-

stant action, alleging a conspiracy between various Winston, Strawn, Smith & Patterson defendants, the American Bar Association, and "other [unidentified] persons being members of the Bar of the Commonwealth of Pennsylvania," to deprive plaintiff of his livelihood and to damage and destroy his credit, etc., is the third court action plaintiff has filed against the Winston, Strawn, Smith & Patterson defendants, although it is the first one he has filed, so far as is now known, against the American Bar Association. Defendant shows that the action on its face is barred by the statute of limitations, and will show upon appropriate pleading herein that the matter is *res adjudicata*.

2. Defendant's troubles with plaintiff stem from litigation that took place in the State of Kentucky in 1950 (*Robertson, et al.* v. *Hert's Adm's, et al.*, 312 Ky. 405, 227 S. W. 2d 899) in which the law firm of which defendant and others were members represented certain clients who originally had come from Chicago. Mr. Ginsburg sought to intervene in that litigation as an alleged *amicus curiae*. Most of the parties thereto resisted the proposed intervention and it was denied by the Kentucky court. The brief filed by defendant's firm in that Kentucky case argued that Ginsburg was an "interloper" seeking "to get himself into a position where he might hope to be bought off."

After the Kentucky decision Mr. Ginsburg instituted three separate libel suits against lawyers or parties who had opposed him and alleged that they had libeled him by their "interloper" argument. He lost all these libel suits: He unsuccessfully sued certain Kentucky lawyers and others in the District Court of the Western District of Kentucky and lost an appeal to the Court of Appeals for the Sixth Circuit (*Ginsburg* v. *Citizens Fidelity Bank, et al.*, 194 F. 2d 538). In Chicago he sued defendant (and others) in the District Court for the Northern District of Illinois; his complaint was stricken; he appealed to the Court of

Appeals for the Seventh Circuit, where he again lost. He then unsuccessfully sought certiorari from the Supreme Court (*Ginsburg* v. *Black, et al.*, 192 F. 2d 823, 343 U. S. 934). He filed a similar suit in Chicago against The First National Bank of Chicago and Alfred L. Kuehn, which had a history similar to that of the suit against defendant (and others) (*Ginsburg* v. *First National Bank, et al.*, 192 F. 2d 826, 343 U. S. 934).

After losing the aforesaid libel litigation, Mr. Ginsburg sought to have the American Bar Association discipline all then members of Winston, Strawn, Smith & Patterson (and the Kentucky lawyers whom he had sued unsuccessfully) for alleged misconduct in the Kentucky suit. They defended against the Bar Association proceeding. After full hearings, the Association refused to take action upon petitioner's charges.

After losing the American Bar Association disciplinary proceedings, Mr. Ginsburg, on May 12, 1954, filed a new suit against sundry Winston, Strawn, Smith & Patterson partners in the United States District Court for the Northern District of Illinois, in which he alleged in substance that the defendants had again libeled him by repeating essentially the same things in the Bar Association proceedings which Mr. Ginsburg had brought against them that had been said in the Kentucky proceedings. On July 1, 1955, the Honorable Philip L. Sullivan entered summary judgment in favor of the defendants and against Mr. Ginsburg in that action. Mr. Ginsburg prosecuted an appeal to the Seventh Court of Appeals, which affirmed Judge Sullivan (237 F. 2d 790). Ginsburg then filed a petition for a writ of certiorari, which was denied by the Supreme Court on March 25, 1957. A motion for rehearing with respect thereto was denied May 6, 1957 (353 U. S. 911, 951). On or about October 7, 1957, Mr. Ginsburg filed a further petition for rehearing of that action out of term

time in the Supreme Court. This was denied. On or about March 17, 1958, Mr. Ginsburg filed a further motion in the Supreme Court "For Leave to File Supplemental Record and Second Petition for Rehearing Out of Term Time; and, in the Alternative, Motion to Remand." This also was denied.

The sundry petitions in the Supreme Court all dwelt upon the fact that defendant's law firm and defendant personally had appeared in a certain criminal income tax case in which Judge Sullivan's brother is one of the defendants, and alleged in varying fashion that this disqualified Judge Sullivan from acting in the case in which he had entered summary judgment.

In addition to all of the foregoing, Mr. Ginsburg filed a petition for mandamus against Judge Sullivan in the Seventh Court of Appeals on October 6, 1955 (Cause No. 11588). That was denied.

About December 27, 1957, although Mr. Ginsburg's second case in this Court (No. 54 C 681) had long been decided and the Court had lost jurisdiction, Mr. Ginsburg presented a document to the Clerk of the Court captioned and entitled in said action and labeled as a "Motion to Vacate the Summary Judgment Order of July 1, 1955, and to Enter Order of Disqualification." On January 27, 1958, the Honorable Michael Igoe entered an order striking the aforesaid document.

Thereupon Mr. Ginsburg filed a petition for a writ of mandamus in the Seventh Court of Appeals directed to both Judges Sullivan and Igoe, seeking to review Judge Igoe's action. Such writ was denied.

On June 12, 1958, Mr. Ginsburg endeavored to file further motions in the same case in which Judge Igoe had acted, and the Honorable Roy Johnson, Clerk of this Court, refused to receive the same. Whereupon, Mr. Ginsburg

instituted another mandamus action in the Seventh Court of Appeals, this time against Judge Sullivan and Clerk Johnson. The Court of Appeals refused to issue the writ of mandamus, and from that refusal Mr. Ginsburg filed a petition for writ of certiorari to the United States Supreme Court (Cause 372, October Term, 1958, of the United States Supreme Court). The Supreme Court denied certiorari in that matter.

3. The instant action contains no allegations of fact whatsoever and was obviously prepared without the faintest investigation of the facts, because it accuses four men who have long been dead as being residents of the State of Illinois, members of the American Bar Association, and as being engaged in a conspiracy against Mr. Ginsburg, and lists others who have long been retired from the law firm of which this defendant is a member: Edward G. Ince resigned from the predecessor firm of Winston, Strawn, Smith & Patterson on January 1, 1952, and died August 17, 1955; George W. Ott died March 24, 1956; Walter A. Wade died June 23, 1955; Thomas I. Underwood died August 14, 1957; William C. Mulligan resigned from the predecessor law firm January 1, 1955, and moved to the State of New York on or about that date; Guy A. Gladson resigned from the predecessor firm February 1, 1955, and on or about that date moved to and became a resident of the State of Florida.

4. Defendant respectfully shows that the instant complaint herein is but another outbreak in a course of unfounded litigation, and on its face is devoid of merit because it alleges not one overt act of the asserted conspiracy. Plaintiff by his action of alleging to the Court that men long since dead and other men who have long since left the practice of law in Chicago are currently engaged in a conspiracy against him, has abused the processes of the Court.

5. Defendant shows that plaintiff Ginsburg has issued a notice calling for the taking of depositions of James D. Head, George B. Christensen, Thomas I. Underwood, and Thomas A. Reynolds, present or one time members of Winston, Strawn, Smith & Patterson, and Joseph D. Stecher, who is Executive Director of the American Bar Association, on June 15, 1959, at 10:00 o'clock A. M., Central Standard Time. Defendant shows that said taking of depositions would be but a further harassment of the defendants herein and prays that an order be entered forbidding plaintiff from taking any depositions in the within action until further order of the Court herein.

GEORGE B. CHRISTENSEN,
Defendant, appearing pro se.

STATE OF ILLINOIS, }
COUNTY OF COOK. } ss.

George B. Christensen, being first duly sworn, on oath deposes and says that the statements of fact in the foregoing motion signed by him are true.

GEORGE B. CHRISTENSEN.

Subscribed and sworn to before me this 10th day of June, 1959.

JANE NEIS,
Notary Public.